Remarks

The Communication mailed October 2, 2002 has been received and reviewed. Claims 1 through 5 are currently pending in the application and are subject to an Election of Species Restriction Requirement. Applicants have amended claim 1 herein to make the scope of the invention of that claim clear. The amendments to the claims effected herewith are not to be taken as limiting of their scope as the amendments are not for the purpose of avoiding references applied in rejections thereof, but to establish the full and encompassing scope of the present invention. Applicants have added new claims 6 and 7 to further clarify the scope of the present invention.

Applicants hereby elect, without traverse, to prosecute the species of invention designated in the Communication as the "primers or oligos embraced" by group **d** listed in Table 1, pages 22-23 of the specification (SEQ ID NO: 19 and SEQ ID NO: 20). Applicants designate each of claims 1 to 7 as generic claims that link the species identified by the Examiner. Upon the allowance of any of claims 1 though 7, Applicants ask that the identified species be rejoined and allowed, pursuant to 37 CFR § 1.141.

Applicants request an action on the merits of the claims. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicant's undersigned attorney.

Respectfully submitted,

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Date: December 2, 2002

VERSION SHOWING CHANGES MADE

IN THE CLAIMS:

Please amend the claims as follows:

1. (Amended) A recombinant nucleic acid molecule derived from a precursor recombinant nucleic acid molecule, said recombinant nucleic acid molecule produced by the action of a nucleic acid polymerase in a complementing cell on the precursor recombinant nucleic acid molecule; wherein

said precursor recombinant nucleic acid molecule is based on or derived from an adenovirus,

said precursor recombinant nucleic acid molecule has at least one functional inverted terminal repeat,

said precursor recombinant nucleic acid molecule lacks overlapping sequences with the nucleic acid of [a] said complementing cell into which it is transferred, said complementing cell comprising at least the E1A gene of an adenovirus, said overlapping sequences otherwise enabling homologous recombination leading to replication competent virus in said complementing cell,

said precursor recombinant nucleic acid molecule comprises all other adenovirus derived genetic information not present in said complementing cell and necessary for replication [except for a] but no functional encapsidation signal, and

said precursor recombinant nucleic acid molecule is in a linear and essentially single stranded form and comprises, at the precursor recombinant nucleic acid molecule's 3' terminus, a sequence complementary to an upstream part of the same strand of the precursor recombinant nucleic acid molecule, to allow said sequence and said upstream part to form base pairs and function as a start-site for a nucleic acid polymerase.